

APPROVED: Meeting No. 23-88

ATTEST: *Margaret R. Gearin*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 21-88

April 25, 1988

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, April 25, 1988, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Stephen N. Abrams

Councilman James F. Coyle

Councilwoman Viola D. Hovsepian

Councilman David Robbins

The Mayor in the Chair.

In attendance: City Attorney Paul T. Glasgow, City Clerk Margaret R. Gearin, and Acting City Manager Rick W. Kuckkahn.

Re: City Manager's Report

Acting City Manager Rick Kuckkahn reported the following:

1. On Monday, May 2, the Proposed Operating Budget and Capital Improvements Program will be transmitted to the Mayor and Council. On Wednesday, May 11, we will conduct our first staff presentation and work session on the Operating Budget. It will involve Public Works, the City Manager's Office and Finance. On Monday, May 16, there will be a Public Hearing on the Budget and the CIP, and on Wednesday, May 18, there will be a staff presentation and work session on the Operating Budget for Recreation and Parks and Community Services.

There are six other meetings related to the Budget scheduled toward the final June 13 meeting, at which time the adoption of the Operating Budget and

CIP must take place to meet County deadlines for printing of tax bills.

Copies of the entire schedule is available through the City Manager's Office by calling 424-8000, Ext. 301, and the schedule will be run in the Rockville Reports as well.

2. The Planning Department will be presenting a West Montgomery Avenue reconstruction briefing to the West End Civic Association on Tuesday, May 3, at 7:30 in City Hall. The announcement has been made through the West End Newsletter and will be distributed to all West End residents. Since this is a major feeder to our Town Center and impacts a broader community concern, the entire community is invited to attend the meeting.

3. The City will be represented at the Wednesday, April 27, COG Drug Summit. The information gathered in last week's Substance Abuse Briefing will be forwarded to COG for consideration. I know that you agree the Substance Abuse Briefing was very successful and I want to thank Don Vandrey and the staff for their superb work in developing and presenting the City's program. City staff is committed to provide the necessary services and coordinate closely with the county in order to begin resolving this growing problem.

Re: Proclamation: May 1-8 as
Rockville Youth Week

Proclamation No. 5-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 5-88, the full text of which can be found in Proclamation File No. 3 of the Mayor and Council proclaiming the week of May 1-8, 1988, as Rockville Youth Week. Councilman Robbins read the proclamation at the request of the Mayor, in which it was urged that all citizens extend their appreciation and confidence to the young citizens of Rockville. Present

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and receiving the proclamation on behalf of the Rockville Elks Lodge was the Exalted Grand Ruler Bruno Pulach.

Re: Approval of Minutes

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 19-88, April 11, 1988, were approved as corrected.

On motion of Councilman Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 20-88, April 18, 1988, were approved as written.

Re: Citizens Forum

The Mayor opened the meeting to those citizens wishing to address the Mayor and Council:

1. Richard Resnick, 953 Farm Haven Drive, invited the Mayor and Council to attend an International Festival at Farm Land Elementary School, on Wednesday, May 4, 1988, from 7:00 to 9:00 p.m.

2. Lisa Derenge, 522 Beall Avenue, invited the Mayor and Council to the Richard Montgomery High School production of "Anything Goes", a musical with lyrics by Cole Porter. The play will be performed in the high school auditorium on April 29th and 30th and May 6th and 7th.

3. Arlene Simons, 708 Carr Avenue, reminded the Mayor and Council that the testimony on the West End Citizens Association, concerning the reduction of the size of the Planning Commission, was based on several years of analysis of minutes and summaries of events and expressed the wish that the Mayor and Council would consider the other recommendations made by the West End Citizens Association at the public hearing.

Mayor Duncan noted that the West End presentation was excellent and had been sent to the Planning Commission. As a result, the meetings of the

Planning Commission are now being taped and the agenda does not indicate the times each item will be discussed. Mayor Duncan asked the staff to check with the Planning Commission for their comments on the West End statement.

Re: On-site SWM Waiver Request #15-88 for 306 First Street

This 0.25 acre lot located in the 300 block of First Street is in the Rock Creek drainage area. The owner/developer of the lot, Jeffrey Broadhurst, plans to construct a single family home on the lot.

The construction of the house and related improvements will result in 0.098 acres of impervious area. Our staff does not recommend on-site methods of Storm Water Management for lots used for any individual single family homes sites for two reasons:

(1) The SWM structures easily and frequently develop maintenance problems because they are so small.

(2) The SWM structures are located so close to the house (or other construction on the property) that there is too great a potential for water damage caused by the installation of the SWM structures. Therefore a waiver is recommended.

The runoff from this site enters a storm drain inlet in First Street and is conveyed by enclosed storm drains to the Croydon Branch of Rock Creek. The proposed SWM facility at Maryvale Park can provide compensating storage for the increased runoff from this lot.

Staff recommends that a waiver be granted and that a contribution of \$1,960 (0.098 impervious acres at \$20,000 per acre) be accepted for the City off-site Storm Water Management Program.

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, on-site Storm Water Management Waiver Request #15-88 for 306 First

Street was granted by the Mayor and Council and a contribution of \$1,960 was accepted for the City's off-site Storm Water Management Program.

Re: Authorization for Sole Source
Procurement of Mainframe
Hardware from IBM

The City is in need of additional disc space and I/O path for its IBM 9370 system. In addition, the City will need to procure a terminal for City access to Montgomery County Police systems to facilitate the merging of those operations.

Currently, most of the equipment specified is available only from IBM. The only exception is disc capacity which may soon be available from third parties. However, procurement of such devices from a third party at this time would be inadvisable since the 9370 has been available for less than a year, such technology would be brand new and unproven in production computing environments. Staff recommends that any major peripheral from a third party should have a proven track record of two - three years in actual production environments before the City considers it.

Staff recommends the authorization for the City to procure additional DASD and I/O path capacity for its 9370 system, at a cost of \$48,240 from IBM on a sole source basis.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Mayor and Council approved the authorization for Sole Source Procurement of mainframe hardware from IBM in the amount of \$48,240.

Re: Introduction of Ordinance, Text Amendment, T-86-87, Rockville United Church, Applicant, to amend the Zoning Ordinance by adding a new use category, "Memorial Gardens."

On motion of Councilwoman Hovsepien, there was introduced upon the table an ordinance to amend the Zoning Ordinance by adding a new use category, "Memorial Gardens." Said ordinance to lay over for at least one week before final adoption. Councilman Coyle abstained from action on this ordinance due to his membership with the Rockville United Church.

Re: Introduction of Ordinance to amend Sections 7-4.06, 7-4.07, 7-4.09 of the "Laws of Rockville" relating to "Refuse and Garbage Collection and Disposal Facilities" by authorizing the Superintendent of the Division of Licenses and Inspection to remove hazardous refuse without prior notice, by charging the cost of certain removal of refuse against the owner, the providing for the collection thereof; by prohibiting the pick-up or other handling of refuse or refuse containers during certain hours and providing enforcement remedies for violations thereof; by eliminating provisions requiring registration of refuse vehicles and refuse collectors' tags and permits, and substituting therefore the requirement that a list of vehicles authorized to collect and transport refuse be maintained with the Superintendent of the Division of Licenses and Inspection; and by making certain other technical amendments.

Councilwoman Hovsepien questioned the effect of this ordinance on the ability of City inspectors to clean up Twinbrook Shopping Center. Acting City Manager Rick Kuckkahn assured Councilwoman Hovsepien that her concern was being addressed by other regulations and that this ordinance applied only to private collectors of trash.

On motion of Councilwoman Hovsepien, there was introduced upon the table an ordinance to amend Sections 7-4.06, 7-4.07, 7-4.09 of the "Laws of

Rockville" relating to "Refuse and Garbage Collection and Disposal Facilities." Said ordinance to lay over for at least one week before final adoption.

Re: Adoption of Ordinance to amend the Zoning Map by adding 70,853 square feet of land of J & B Company, a general partnership.

Ordinance No. 9-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 9-88, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, amending the Zoning Map by adding 70,853 square feet of land of J & B Company, was adopted by the Mayor and Council.

Re: Decisions and Instructions to staff re: Text Amendment Application T-87-87, reduction of the Planning Commission

The Mayor and Council commented on the merits of decreasing the size of the Planning Commission from seven to five members. Mayor Duncan stated that it was important to discuss this issue since it had been discussed a few years ago, and noted that early on he might have favored a five member Commission, but that he now believes that a broader participation on the Commission is an important factor. Mayor Duncan asked the City Attorney to advise what instructions should be given to the staff. City Attorney Glasgow suggested the staff prepare a resolution for denial of this Text Amendment.

Councilman Coyle noted that he was a member of the Mayor and Council that enlarged the Planning Commission from five to seven members. Councilman Coyle supported the change to enable the commission to operate more efficiently by organizing sub committees. He expressed his disappointment that this efficiency has not occurred and that he would prefer a five member commission.

Councilman Robbins stated that it made sense to broaden citizen participation, and that the West End provided extremely useful information on efficiency and operation, but that the numbers do not seem to be the problem.

Councilwoman Hovsepian concurred with Mayor Duncan on the issue of enlarged participation and thanked West End citizens for all the points they brought forward, concluding that this was a good exercise for the City.

Councilman Abrams remarked tht he too was an original supporter of the idea of increasing the Planning Commission to seven members and was quite satisfied that the increased number did exactly what the Mayor and Council had intended. It brought more voices to the planning process. Councilman Abrams questioned whether it was ever intended to operate any way other than as a committee of the whole. Councilman Abrams also reindicated his support for the suggestion that Planning Commission meetings be tape recorded.

However, Councilman Abrams noted his consternation regarding some of the testimony presented by the West End Citizen Association, much of which he believed to be irrelevant to the issue of whether the Planning Commission should consist of five or seven members. Councilman Abrams noted that the testimony of Ms. Sima Osdoby from New Mark Commons called into question the accuracy of the number and length of meeting statistics provided by the West End group. Councilman Abrams also reiterated his concern that bald assertions presented by Mr. Dennis Cain from the West End concerning the Planning Commission's reliance on private counsel opinions had not been substantiated for the Record as Councilman Abrams had requested of Mr. Kane when he testified. Councilman Abrams once again pointed out the distinction between reliance on outside opinion and the prudence of asking for legal opinions by all parties to a proceeding and appropriate City Attorney evaluation.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council instructed staff to prepare the necessary documents for denial of Text Amendment Application T-87-87, reduction of the Planning Commission.

Re: Correspondence/FYI

1. Councilwoman Hovsepian expressed appreciation to the staff for the excellent job done in responding to her request to identify options other jurisdictions were using to provide affordable housing. She indicated she would like to see some follow up of the staff suggestion made in the report.

2. Mayor Duncan commended Lisa Wogan, Planner III, for her valuable memorandum on options for affordable housing in Rockville after researching what other cities are doing nationwide. Mayor Duncan added that the City needs additional input to the staff report and observed that we should pursue this as we develop plans for Rockville Pike.

Councilman Coyle concurred with the Mayor and asked if there would be any Work Session to follow up on this report. The Mayor responded that a Work Session could be held after the budget hearings.

3. Councilman Coyle thanked Joe Cutro, Traffic Engineer, for his memorandum concerning right turns from the left lane at Hurley Avenue and Maryland Route 28.

4. Mayor Duncan commended the following employees: Wayne Davis, Reginal Snowden and Anthony Brown, who have collected on their refuse routes for fourteen months without a miss. Also commended were Police Officer Eric Waldt for his help in arranging a meeting between two neighboring families on a sensitive issue, and Switchboard Operator Chris Sachs who helped connect a

citizen with the proper personnel and agencies in the City of Rockville and the County.

Re: New Business

1. Councilman Abrams congratulated former Councilman Peter Hartogensis on his recent marriage.

2. Councilman Abrams requested an additional Work Session on Rockville Pike to include an outside panel to review the zoning level with the amenities package.

Mayor Duncan commented that the staff had the plan reviewed by an independent consultant from the University of Maryland, but he had no problem submitting the plan for comment.

3. Councilman Coyle reported receiving calls from citizens asking about the poor condition of Congressional Lane. Acting City Manager Kuckkahn noted that there was an ongoing problem with the work being done there, but that he would have the proper City staff look into the matter.

4. Councilman Coyle relayed the wish of the Fallsmead Civic Association to have the City pursue options for the use of state owned land in their neighborhood.

5. Councilman Coyle congratulated Brigitta Mullican, Chairperson of the Sister City Corporation for a good weekend at the Bavarian Inn, which the committee sponsored.

6. The Mayor and Council instructed the staff to prepare the necessary documentation for adoption of Annexation Petition X-103-87 and Residential Townhouse Application RTH-9-87 at the May 9, 1988 General Session.

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Re: Adjournment

On motion of Councilman Coyle, the meeting was adjourned at 8:35 p.m. to convene immediately in Work Session to discuss the Rockville Pike.

Re: Work Session - Rockville Pike

The Mayor and Council of Rockville, Maryland, convened in Work Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland on Monday, April 25, 1988, at 8:40 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Stephen N. Abrams

Councilman James F. Coyle

Councilwoman Viola D. Hovsepian

Councilman David Robbins

The Mayor in the Chair.

In attendance: City Clerk Margaret R. Gearin, Acting City Manager Rick W. Kuckkahn, Acting Director of Planning Larry Owens, Planner II Robert Spalding, and Traffic Engineer Joe Cutro.

Re: Work Session - Rockville Pike

Bob Spalding reviewed the following topics with the Mayor and Council:

1. Alternatives to the Jefferson Parkway Concept contained in the Rockville Pike Corridor Neighborhood Plan.
2. A map showing the 1,500 foot Metro concentration boundaries in the Rockville Pike Corridor Plan.
3. The Rockville Pike Optional Method of Development.
4. The proposed residential zone in the Rockville Pike Corridor Plan.

Other staff presentations included:

1. Discussion of four alternative road plans for or instead of Jefferson Parkway.

2. Review of the parking reductions recommended for the Pike Corridor by Larry Owens.

The Mayor and Council then made the following decisions:

Residential Zoning - Approximately 20 acres for Townhouses developed under modified Residential Townhouse development standards.

Retail Retention - 1. Base Zone: not more than 25% of gross leasable area devoted to office uses. Subject to modification by the Planning Commission based on lot characteristics, market characteristics or multiple buildings.

2. Optional Method: not less than 75% of gross leasable area of the ground floor should be developed to retail uses. Planning Commission based on lot characteristics, market characteristics or multiple buildings.

Parking Reductions - None

Standard Traffic Methodology - A. Advisory in Base Zone. B. Adequate public facilities for Optional Method Developments.

Upgrade Woodmont Access Drive - No.

Jefferson Parkway - No

Bob Spalding announced he would prepare a memo for the Mayor and Council that would summarize the decisions that have been made.

Re: Executive Session

On motion of Councilman Coyle, the meeting was closed for Executive Session at 10:10 p.m. to discuss personnel.

Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 11:10 p.m. to convene again in General Session on Monday, May 2, 1988, at 7:30 p.m. or at the call of the Mayor.